

ESTTA Tracking number: **ESTTA732351**

Filing date: **03/09/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Yeti Coolers, LLC
Granted to Date of previous extension	03/12/2016
Address	5301 Southwest Parkway, Suite 200 Austin, TX 78735 UNITED STATES

Attorney information	JOSEPH J BERGHAMMER BANNER & WITCOFF LTD 10 SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606 UNITED STATES jberghammer@bannerwitcoff.com, kfink@bannerwitcoff.com, mknutsson@bannerwitcoff.com, bwlitdocket@bannerwitcoff.com, bwptotm@bannerwitcoff.com Phone:312-463-5000
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Applicant Information

Application No	86737121	Publication date	01/12/2016
Opposition Filing Date	03/09/2016	Opposition Period Ends	03/12/2016
Applicant	AXLE INTERNATIONAL LIMITED UNIT 04,7/F BRIGHT WAY TOWER KL, HONG KONG		

Goods/Services Affected by Opposition


Class 018. First Use: 2015/06/05 First Use In Commerce: 2015/07/15
All goods and services in the class are opposed, namely: Backpacks; Beach bags; Briefcase-type leather business folders; Business card cases; Card wallets; Clothing for domestic pets; Credit card cases and holders; Duffel bags for travel; Handbags; Horse tail bags; Key-cases of leather and skins; Leather bags and wallets; Leather bagsfor merchandise packaging; Leather leashes; Leather purses; Mountaineering sticks; Name card cases; Pet clothing; Pocket wallets; Purses; Sport bags; Textile shopping bags; Tool bags sold empty; Traveling bags; Unfitted vanity cases; Whips


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4831955	Application Date	04/14/2015
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Registration Date	10/13/2015	Foreign Priority Date	NONE
Word Mark	RAMBLER ON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 2014/09/00 First Use In Commerce: 2014/09/00 Custom imprinting of tumblers, jugs and mugs		

U.S. Application No.	86597484	Application Date	04/14/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RAMBLER ON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2014/09/00 First Use In Commerce: 2014/09/00 Tumblers for use as drinking glasses; Drinking glasses, namely, tumblers; jugs; mugs		

Attachments	86597489#TMSN.png(bytes) 86597484#TMSN.png(bytes) 008117.00564 Notice of Opposition.pdf(101636 bytes) 008117.00564 Exhibit A.pdf(141191 bytes) 008117.00564 Exhibit B.pdf(45437 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Katherine Laatsch Fink/
Name	Katherine Laatsch Fink
Date	03/09/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Applicant)	
Axle International Limited)	
)	
Mark: RAMBLE ON)	
)	
Serial No.: 86/737,121)	
)	
Filed: August 25, 2015)	
)	
Published in the Official Gazette dated January 12, 2016)	
_____)	
YETI COOLERS, LLC,)	
Opposer,)	Opposition No. _____
vs.)	
)	
AXLE INTERNATIONAL LIMITED,)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

YETI Coolers, LLC, a Delaware limited liability company, having a principal place of business at 5301 Southwest Parkway, Suite 200, Austin, Texas 78735 (“Opposer”), believes that it will be damaged by registration of the above-identified mark (hereinafter “Applicant’s Mark”), applied for on the Principal Register by Axle International Limited, a limited liability company of Hong Kong, having a principal place of business at Unit 04, 7/F Bright Way Tower, No.33 Mong Kok Rd., KL Hong Kong (“Applicant”), and hereby opposes registration of the same.

The grounds for the opposition are as follows:

1. Opposer is a leader in the portable cooler and insulated container industry.
2. Opposer is the owner of rights granted via a federal registration and common law rights for the mark “RAMBLER ON” (“‘RAMBLER ON’ Mark”).

3. Opposer has continuously used, through a licensee, the “RAMBLER ON” Mark in interstate commerce since at least as early as September 2014, in connection with drinking glasses, tumblers, jugs, mugs, and custom imprinting of tumblers, jugs and mugs.

4. Opposer is the owner of U.S. Trademark Registration No. 4,831,955, filed pursuant to Section 1(a) of the Trademark Act on April 14, 2015, and registered on October 13, 2015, for “RAMBLER ON” for “custom imprinting of tumblers, jugs and mugs” in International Class 40. A copy of the registration for “RAMBLER ON,” including the USPTO TSDR record showing current status and title, is attached as Exhibit A.

5. Opposer also is the owner of pending U.S. Trademark Application Serial No. 86/597,484 for “RAMBLER ON” filed pursuant to Section 1(a) of the Trademark Act on April 14, 2015, covering “tumblers for use as drinking glasses; drinking glasses, namely, tumblers; jugs; mugs” in International Class 21. A copy of the USPTO TSDR record for the pending application, showing current status and title, is attached as Exhibit B.

6. Opposer also has common law rights in the “RAMBLER ON” Mark for use in connection with, *inter alia*, drinking glasses, tumblers, jugs, mugs, and custom imprinting of tumblers, jugs and mugs.

7. As a result of prior use and registration of the “RAMBLER ON” Mark, Opposer has developed substantial goodwill in the mark, and the public has come to associate the “RAMBLER ON” mark with the goods of Opposer.

8. Applicant filed its application for Applicant's Mark RAMBLE ON on August 25, 2015, pursuant to Section 1(a) of the Trademark Act, alleging a date of first use of June 5, 2015, and first use in commerce of July 15, 2015.

9. Applicant seeks to register Applicant's Mark RAMBLE ON for "backpacks; beach bags; briefcase-type leather business folders; business card cases; card wallets; clothing for domestic pets; credit card cases and holders; duffel bags for travel; handbags; horse tail bags; key-cases of leather and skins; leather bags and wallets; leather bags for merchandise packaging; leather leashes; leather purses; mountaineering sticks; name card cases; pet clothing; pocket wallets; purses; sport bags; textile shopping bags; tool bags sold empty; traveling bags; unfitted vanity cases; whips" in International Class 18.

10. If Applicant is permitted to register its mark, the registration will give Applicant a *prima facie* exclusive right to the use of Applicant's Mark for the goods set forth in the application. Such registration would damage and injure Opposer.

COUNT I

LIKELIHOOD OF CONFUSION

11. Opposer repeats and realleges paragraphs 1-10 as paragraph 11 of this Count I.

12. Opposer's use and registration of its "RAMBLER ON" Mark is long prior to the filing date of the opposed Application.

13. On information and belief, Applicant was aware of Opposer's "RAMBLER ON" mark at the time that it filed its application.

14. Applicant's "RAMBLE ON" mark is confusingly similar to Opposer's "RAMBLER ON" Mark.

15. Applicant's use and registration of its mark will inevitably lead to confusion, to mistake, or to deception of the public within the meaning of Section 2(d) of the Lanham Act, 15 USC §1052(d), all to Opposer's grave and irreparable damage.

16. Registration of Applicant's Mark should be denied based on a likelihood of confusion with Opposer's prior "RAMBLER ON" mark, in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

CLAIM FOR RELIEF/DAMAGE

17. By reason of the foregoing, Applicant's registration of the mark herein opposed will cause injury and damage to Opposer's rights to its registered "RAMBLER ON" Mark and to its use thereof described above.

WHEREFORE, Opposer respectfully prays that the present opposition be sustained and that the registration sought by the Applicant be refused.

DEPOSIT ACCOUNT AUTHORIZATION

Please charge the statutory fee of \$300 to our firm's deposit account, No. 19-0733. Please also charge any additional fees, or credit any overpayments, to our firm's deposit account, No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.
Attorneys for Opposer

Date: March 9, 2016

By: /Katherine Laatsch Fink/
Joseph J. Berghammer

Katherine Laatsch Fink
Maurine L. Knutsson
10 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
Telephone: (312) 463-5000
Email: bwptotm@bannerwitcoff.com

Enclosures:

Exhibit A

Copy of Reg. No. 4,831,955 and TSDR Record Showing Current Status and Title

Exhibit B

Copy of USPTO TSDR Record for Application No. 86/597,484 Showing Current Status and Title

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served on Applicant on March 9, 2016, at the correspondence address of record, by first class mail, addressed as follows:

YE LI FANG
LONGGANG
2B UNIT 3 BUILDING 19 YIMEISHANZHUANG
SHENZHEN CHINA

/Katherine Laatsch Fink/

Exhibit A

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Mark: RAMBLER ON

RAMBLER ON

US Serial Number: 86597489

Application Filing Date: Apr. 14, 2015

US Registration Number: 4831955

Registration Date: Oct. 13, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 13, 2015

Publication Date: Jul. 28, 2015

Mark Information

Mark Literal Elements: RAMBLER ON

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1276072

International Application(s) /Registration(s) Based on this Property: A0053853/1276072

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Custom imprinting of tumblers, jugs and mugs

International Class(es): 040 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2014

Use in Commerce: Sep. 2014

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: YETI COOLERS, LLC

Owner Address: 5301 Southwest Parkway, Suite 200
Austin, TEXAS 78735
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph J. Berghammer

Docket Number: 008117.00114

Attorney Primary bwptotm@bannerwitcoff.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JOSEPH J. BERGHAMMER
Name/Address: Banner-Witcoff
10 S Wacker Dr Ste 3000
Chicago, ILLINOIS 60606-7437
UNITED STATES

Phone: 312-463-5000

Fax: 312-463-5001

Correspondent e- bwptotm@bannerwitcoff.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 13, 2015	REGISTERED-PRINCIPAL REGISTER	
Jul. 28, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 28, 2015	PUBLISHED FOR OPPOSITION	
Jul. 08, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 22, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jun. 22, 2015	ASSIGNED TO LIE	66121
Jun. 04, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 02, 2015	ASSIGNED TO EXAMINER	92450
Apr. 22, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 17, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 13, 2015

United States of America

United States Patent and Trademark Office

RAMBLER ON

Reg. No. 4,831,955

YETI COOLERS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
5301 SOUTHWEST PARKWAY, SUITE 200
AUSTIN, TX 78735

Registered Oct. 13, 2015

Int. Cl.: 40

FOR: CUSTOM IMPRINTING OF TUMBLERS, JUGS AND MUGS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

SERVICE MARK

FIRST USE 9-0-2014; IN COMMERCE 9-0-2014.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-597,489, FILED 4-14-2015.

HANNA CHO, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Exhibit B

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Mark: RAMBLER ON

RAMBLER ON

US Serial Number: 86597484

Application Filing Date: Apr. 14, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: Jan. 12, 2016

Publication Date: Jan. 12, 2016

Mark Information

Mark Literal Elements: RAMBLER ON

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1275829

International Application(s) /Registration(s) Based on this Property: A0053852/1275829

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Tumblers for use as drinking glasses; Drinking glasses, namely, tumblers; jugs; mugs

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2014

Use in Commerce: Sep. 2014

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: YETI COOLERS, LLC

Owner Address: 5301 Southwest Parkway, Suite 200
Austin, TEXAS 78735
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph J. Berghammer

Docket Number: 008117.00113

Attorney Primary Email Address: bwptotm@bannerwitcoff.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JOSEPH J. BERGHAMMER
Banner-Witcoff
10 S Wacker Dr Ste 3000
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UNITED STATES

Phone: 312-463-5000

Fax: 312-463-5001

Correspondent e-mail: bwptotm@bannerwitcoff.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 12, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 12, 2016	PUBLISHED FOR OPPOSITION	
Dec. 24, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 04, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Nov. 25, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 24, 2015	ASSIGNED TO LIE	70997
Nov. 18, 2015	TEAS VOLUNTARY AMENDMENT RECEIVED	
Nov. 10, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 09, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 09, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 05, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 05, 2015	NON-FINAL ACTION E-MAILED	6325
Jun. 05, 2015	NON-FINAL ACTION WRITTEN	92450
Jun. 02, 2015	ASSIGNED TO EXAMINER	92450
Apr. 22, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 17, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CHO, HANNA

Law Office Assigned: LAW OFFICE 105

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 04, 2015